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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 HELEN BRENNAN, individually,

12 Plaintiff,

13 vs.

14 STATE OF NEVADA ex rel LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT, a political subdivision of
the State of Nevada; STATE OF NEVADA
15 ex rel NEVADA HIGHWAY PATROL, a
political subdivision of the State of Nevada;
16 TROOPER L. McCOLL, p#352, an
individual employed by the STATE OF
17 NEVADA ex rel NEVADA HIGHWAY
PATROL, a political subdivision of the State
18 of Nevada; DOE OFFICERS I through XX,
employed by STATE OF NEVADA ex rel ex
19 rel LAS VEGAS METROPOLITAN
POLICE DEPARTMENT, a political
20 subdivision of the State of Nevada; DOES I
through X; and ROE Business Entities I
21 through X; inclusive,

22 Defendants.

CASE NO.: 2:20-cv-00662-RFB-DJA

23 **STIPULATION TO EXTEND**
DISPOSITIVE MOTION DEADLINE
24 **(Second Request)**

Pursuant to LR 6-1 and LR 26-4, Defendant, Las Vegas Metropolitan Police Department,

1 (“LVMPD”) and Plaintiff, Helen Brennan (“Plaintiff”) by and through their respective counsel,
 2 hereby stipulate, agree, and request that this Court extend the dispositive motion deadline from
 3 the current date of August 9, 2021 for an additional thirty (30) days up to September 8, 2021. At
 4 the time that the parties requested the first extension of this deadline, other parties named in the
 5 Second Amended Complaint (“SAC”) had not been served yet. The newly named Defendant has
 6 recently been served. In addition, the parties require additional time due to deadlines and
 7 hearings in other matters.

8 **A. Discovery Completed to Date**

9 The parties have exchanged their initial Rule 26 Disclosures and several supplements.
 10 LVMPD served written discovery (Interrogatories, Requests for Admissions and Requests for
 11 Production of Documents) on Plaintiff which Plaintiff responded to, and numerous third-party
 12 subpoenas. LVMPD disclosed its Expert Report timely and the deposition of Plaintiff was taken.
 13 Discovery closed on June 8, 2021, [ECF No. 32].

14 **B. Discovery Remaining to be Completed**

15 Discovery closed on June 8, 2021. A new party, Trooper McColl filed a Motion to
 16 Extend Time to Respond to the Complaint which was granted as unopposed. [ECF No. 52] The
 17 response of one of the newly added parties is due August 31, 2021. Plaintiff is also in the process
 18 of securing service of process upon newly added defendant, Nevada Highway Patrol (NHP).
 19 Plaintiff has remaining discovery to be completed including written discovery and depositions of
 20 the parties and their experts. It is anticipated that the newly added Defendants will also need to
 21 undertake discovery, which will require a further extension of the close of discovery as well as
 22 other related deadlines.

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1 **C. Reason for Request for Extension of Dispositive Motion Deadline**

2 Plaintiff filed her Second Amended Complaint (“SAC”) on May 10, 2021. [ECF No. 35].
 3 LVMPD filed an Answer to the SAC and also a Motion for Partial Summary Judgment (“MSJ”).
 4 [ECF Nos. 27 and 36]. The MSJ solely addresses Plaintiff’s *Monell* claim in the SAC and not
 5 any other claims. The MSJ is now fully briefed and pending.

6 The SAC named two new Defendants; Nevada Highway Patrol (NHP) and Nevada
 7 Highway Patrol Trooper McColl. Trooper McColl was served with the SAC on July 20, 2021.
 8 Plaintiff is in the process of serving NHP. It is possible that discovery may need to be reopened
 9 and related deadlines extended since Trooper McColl has just been served and NHP is in the
 10 process of being served. In that event, the need to file dispositive motions at this time will be
 11 moot.

12 Finally, Counsel has many other deadlines and hearings around the same time as the
 13 dispositive motion deadline in this case. Counsel will need additional time to prepare their
 14 motions. As such, good cause is shown for an extension of the dispositive motion deadline.

15 **D. Proposed Extended Deadline for Dispositive Motions**

16 Accordingly, the parties respectfully request that this Court enter an order as follows:

17 (1) Dispositive Motions.

18 The parties request the current deadline of August 9, 2021 be extended to **September 8,**
 19 **2021.**

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1 The parties recognize that they are making this request fewer than twenty-one days
2 before the current dispositive motion deadlines of August 9, 2021, however the parties submit
3 that good cause and excusable neglect exists for the delay.

4 LR 26-3 states in relevant part:

5 A request made after the expiration of the subject deadline will not be
6 granted unless the movant also demonstrates that the failure to act was the
result of excusable neglect.

7 In evaluating excusable neglect, the court considers the following factors: (1) the reason
8 for the delay and whether it was in the reasonable control of the moving party, (2) whether the
9 moving party acted in good faith, (3) the length of the delay and its potential impact on the
10 proceedings, and (4) the danger of prejudice to the nonmoving party. *See Pioneer Inv. Servs. Co.*
11 *v. Brunswick Assocs.*, 507 U.S. 380, 395 S. Ct. 1489, 123 L.Ed.2d 74 (1993). The parties
12 previously extended this deadline due to the fact that the new Defendants had not been served.
13 The parties requested the extension less than thirty (30) days ago. Because this is a second
14 request to extend, the parties were not aware twenty-one (21) days ago that additional time
15 would be needed.

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1 This request for an extension is made in good faith and joined by all the parties in this
2 case. This request is not timely but the parties believe they have shown excusable neglect in the
3 delay in requesting the extension. Trial is not yet set in this matter and LVMPD has only filed a
4 Motion for Partial Summary Judgment. Accordingly, this extension will not delay this case.
5 Moreover, since this request is a joint request, neither party will be prejudiced. The extension
6 will allow the parties the necessary time to prepare motions.

7 DATED this 9th day of August, 2021.

8 KAEMPFER CROWELL

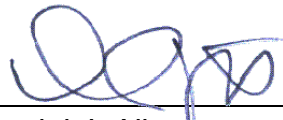
MUELLER & ASSOCIATES, INC.

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10 By: /s/ Lyssa Anderson
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By: /s/ Craig Mueller
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16 **IT IS SO ORDERED.**

17 DATED this 10th day of August, 2021.

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20 Daniel J. Albregts
United States Magistrate Judge